

Exhibit B

October 21, 2022

NOTICE OF FILING OF REQUEST FOR A SPECIAL EDUCATION DUE PROCESS HEARING

(Copy of Request Attached)

STYLE: J [REDACTED] M., b/n/f J [REDACTED] and S [REDACTED] M. v. Comal ISD
TEA DOCKET NO. 051-SE-1022
SOAH DOCKET NO. 701-23-03745

DATE RECEIVED BY THE TEXAS EDUCATION AGENCY (TEA): October 21, 2022

<u>Parent</u>	<u>School District</u>	<u>Hearing Officer</u>	<u>Petitioner's Representative</u>
J [REDACTED] and S [REDACTED] M [REDACTED]	Comal ISD Mandy Epley Superintendent Michele Martella Special Education Director Supt. Phone: (830) 221-2000 Supt. Fax: mandy.epley@comalisd.org Sp. Ed. Phone: (830) 221-2096 Sp. Ed. Fax: (830) 221-2005 michele.martella@comalisd.org	Kasey White State Office of Administrative Hearings 300 W. 15th Street, Ste. 504 Austin, TX 78701 Phone: (512) 475-4993 Fax: (512) 322-2061	

Scheduling Order

The hearing officer will promptly contact the parties upon receipt of this notice by forwarding a scheduling order that identifies several deadlines, including a prehearing conference, hearing date(s) and a decision due date. Further, the hearing officer will provide instructions on the proper filing method for that particular hearing officer. Please make sure to follow the instructions provided within the hearing officer's scheduling order.

Prehearing Conference

The purpose of the prehearing conference is to consider the following: (1) specifying the issues; (2) admitting certain assertions of fact or stipulations; (3) the procedure for the hearing on the merits; (4) any limitations on the number of witnesses and the time allotted for presenting each party's case; and/or (5) other matters that may aid in simplifying the proceeding or disposing of issues, including the possibility of settlement.

Decision Due Date

The hearing officer will calculate the decision due date based on federal regulations and state rules and will notify the parties of the date.

Mediation

The parties are encouraged to consider mediation as a means of resolving the issues in this hearing. Either party may **request mediation by sending a written request to TEA by email, mail, fax, or hand-delivery**. TEA has created an optional model form that may be used to request mediation. It can be found on the TEA website at <http://tea.texas.gov/index4.aspx?id=5087>. Additionally, the *TEA Special Education Dispute Resolution Systems Handbook* contains information about mediation and the other dispute resolution processes. It is also available on TEA's website at <http://tea.texas.gov/index4.aspx?id=5093>.

Questionnaire

When the hearing concludes, the hearing officer or TEA staff will provide the parties with a copy of the TEA Special Education Due Process Hearing Questionnaire. The questionnaire is also available on TEA's website at <http://tea.texas.gov/index4.aspx?id=5090>. TEA is committed to making the due process hearing system as effective and efficient as possible. Upon the final resolution of this hearing, please take a few moments to complete and return the questionnaire.

IF YOU WOULD LIKE INFORMATION IN SPANISH OR HAVE ANY QUESTIONS OF A PROCEDURAL NATURE, PLEASE CONTACT OUR OFFICE. SI NECESITA INFORMACIÓN EN ESPAÑOL O SI TENGA CUESTIONES DE PROCEDIMIENTO, POR FAVOR CONTACTE NUESTRA OFICINA.

Office of Legal Services - Phone: (512) 463-9720 / Fax: (512) 463-6027

CONFIDENTIALITY NOTICE

This transmission (and accompanying documents) may contain confidential information which is protected by state and/or federal law. The information is intended only for the use of the recipients named herein. If you are not an intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by collect telephone call to arrange for the return of the documents.

Request for Special Education Due Process Hearing

The Individuals with Disabilities Education Act (IDEA) provides for due process hearings to resolve disputes relating to the identification, evaluation, or placement of a student with a disability or regarding the provision of a free appropriate public education. IDEA also requires that the Texas Education Agency develop a model form to assist parties in requesting special education due process hearings.

This form may be used to request a due process hearing. You may use it to satisfy IDEA's notice requirements, or you may submit any written request that includes the name and address of the residence of the student, the name of the school the student is attending, a description of the nature of the problem(s), including facts relating to the problem(s), and a proposed resolution to the problem(s). If the student is homeless, the request must also include available student contact information. **Please note that the information following an asterisk (*) is required information.** If the request does not include all of the required information, the other party may challenge the sufficiency of the request.

This request is being filed by:

- ☒ Parent, Guardian, Surrogate Parent or Adult Student
☐ School District or Other Local Education Agency (LEA)

Does this request for a due process hearing involve a disciplinary matter that requires an expedited timeline? ☐ Yes ☒ No

(A parent or adult student may request an expedited hearing **only** when the parent or adult student disagrees with a decision regarding a disciplinary placement or with a manifestation determination. An LEA may request an expedited hearing **only** when the LEA believes that maintaining the current placement is substantially likely to result in injury to the student or to others).

Student Information

*Name:	J [REDACTED] M [REDACTED]
Date of Birth:	[REDACTED]
*Address:	[REDACTED]
*Available contact information if Student is homeless:	n/a

Parent, Guardian, or Surrogate Parent Information

Name:	J [REDACTED] and S [REDACTED] M [REDACTED]		
Address:	[REDACTED]		
Phone Number(s):	(home) ([REDACTED])	(cell) ([REDACTED])	(work) ([REDACTED])
Email:	(optional) [REDACTED]		

School Information

School District:	Comal Independent School District
*Name of the School Student is Attending:	Kinder Ranch Elementary School

Person Filing the Request

Name:	S [REDACTED] M [REDACTED]
Relationship to Student:	<input checked="" type="checkbox"/> Parent <input type="checkbox"/> LEA <input type="checkbox"/> Self <input type="checkbox"/> Legal Guardian or Surrogate Parent

Attorney/Advocate for Requestor (if applicable)

Name:			
Capacity:	<input type="checkbox"/> Attorney	Bar Number:	<input type="checkbox"/> Advocate
Address:			
Phone:	(office) ([REDACTED])	(cell) ([REDACTED])	(fax) ([REDACTED])
Email:			

***Description of the Problem(s) and Relevant Facts:** Describe the nature of the problem(s) relating to a proposed or refused initiation or change in the identification, evaluation, or educational placement of or the provision of a free appropriate public education to the student. Include relevant dates, specific events, and/or persons involved. You may add additional pages if necessary.
See attachment

***Description of Proposed Resolution:** Describe what you believe would be the complete remedy and resolution of the problem(s) to the extent that you know and have that information available to you. You may add additional pages if necessary.
See attachment

Statement of Service

You are required by law to send or deliver a copy of any request for due process hearing to the other party and to the Texas Education Agency. Remember to retain a copy for your records. Please indicate your compliance with this requirement by checking the appropriate box below.

I have provided a copy of this request to all the named parties and to the Texas Education Agency by:

☐ First Class Mail

☒ Email

☐ Fax

☐ Hand Delivery (If other than  person who made service: _____.)

Signature:   

Printed Name: S  M 

Mail, email, fax, or hand deliver this request to the other party **and** to:

Texas Education Agency
1701 North Congress Ave
Austin, Texas 78701
Email: SE-Legal@tea.texas.gov
Fax: 512-463-6027

**Texas Education Agency
Due Process Hearing**

J. M.
October 21, 2022

*Description of the Problem(s) and Relevant Facts: Describe the nature of the problem(s) relating to a proposed or refused initiation or change in the identification, evaluation, or educational placement of or the provision of a free appropriate public education to the student. Include relevant dates, specific events, and/or persons involved. You may add additional pages if necessary.

- 1) Refusal to provide [REDACTED] a Free and Appropriate Public Education (FAPE) during the 2022-23 school year
- 2) Refusal to provide [REDACTED] homebound services in his home as agreed upon in his IEP and Autism Supplement dated 8/22/2022
- 3) Failure to implement [REDACTED] accommodations as agreed upon in his IEP dated 8/22/2022
- 4) Failure to implement IEP goals and objectives as agreed upon in his IEP dated 8/22/2022
- 5) Failure to report accurate data on IEP goals and objectives for 1st 9 weeks grading period
- 6) Failure to implement educational strategies and accommodations documented in [REDACTED] Autism Spectrum Disorder Supplement
- 7) Failure to provide [REDACTED] direct instruction during the 1st and 2nd nine weeks grading period
- 8) Failure to provide [REDACTED] related services during the 1st and 2nd nine weeks grading period
- 9) Failure to implement [REDACTED] Tobii Dynavox augmentative and alternative communication (AAC) device as documented in the Autism Spectrum Disorder Supplement and in the IEP goals and objectives
- 10) Failure to provide materials for the accommodations listed in [REDACTED] IEP
- 11) Failure to implement the reevaluation date of 9/8/22 as agreed upon in the REED
- 12) Refusal to provide homebound teacher with the support needed to implement [REDACTED] sensory strategies/program, therefore requiring parent to assist teacher in physically implementing the sensory accommodations as stated in [REDACTED] IEP during his homebound instructional sessions
- 13) Failure to implement positive behavior supports strategies and negligent in the implementation of behavior management system consequently reinforcing undesirable behavior in [REDACTED]
- 14) Failure to provide the homebound teacher and related service personnel with the training necessary to implement [REDACTED] IEP thus resulting in [REDACTED] being hit in head on several occasions by the homebound teacher, regression in [REDACTED] behavior, and increase of sensory dysregulation

The following persons were involved in above the acts: Juliana Palmer, Homebound Teacher;; Deanna Peirsol, Speech Language Pathologist; Lindsey Monk, Occupational Therapist; Brittney Lanehart, ARD Facilitator; Sharon Merritt, Special Education Case Manager; Denise Janes, General Education Teacher; Stacie Ramirez, Licensed Specialists in School Psychology; Kristin Alexander, Campus Nurse; Lisa Johnson, AT Specialist; Laura De La Garza, Campus Principal; Carolina Ferrell, Director of Elementary Special Education; and Michele Martella, Executive Director of Special Education

*Description of Proposed Resolution: Describe what you believe would be the complete remedy and resolution of the problem(s) to the extent that you know and have that information available to you. You may add additional pages if necessary.

- 1) District to reinstate and provide [REDACTED] with continuous homebound services provided in his home for the remainder of the 2022-23 school year and during extended school year (ESY) services in summer 2023 as agreed upon in his current IEP dated 8/22/2022,
- 2) District to provide [REDACTED] with the following outside private compensatory services with the parent selected providers/vendors:
 - a. Occupational Therapy—48, 1-hour sessions
 - b. Speech Therapy—106, 30-minute sessions
 - c. ABA Therapy—128, 1-hour sessions
 - d. Special Education Instructional Teacher—144, 1-hour sessions
- 3) District to provide behavioral and instructional training using the TEACCH program which is designed for students with Autism to all of [REDACTED] teachers and related service personnel, and
- 4) District to reimburse parents for all legal costs associated with the District's failure to implement [REDACTED] IEP and failure to provide FAPE.